

1 BILL NO. Z-87- 12-19

2 ZONING MAP ORDINANCE NO. Z- Losh

3 AN ORDINANCE amending the City of
4 Fort Wayne Zoning Map No. R-14.

5 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
6 FORT WAYNE, INDIANA:

7 SECTION 1. That the area described as follows is
8 hereby designated a B-3-B (General Business) District under
9 the terms of Chapter 33 of the Code of the City of Fort
Wayne, Indiana of 1974:

10 Lot #1 in Neuenschwander Addition,

11
12 and the symbols of the City of Fort Wayne Zoning Map No.
13 P-31, as established by Section 11 of Chapter 33 of the Code
14 of the City of Fort Wayne, Indiana are hereby changed
15 accordingly.

16 SECTION 2. That this Ordinance shall be in full force
17 and effect from and after its passage and approval by the
18 Mayor.

19 Janet G. Bradbury
20 Councilmember

21 APPROVED AS TO FORM AND LEGALITY:

22 BOB
23 BRUCE O. BOXBERGER, CITY ATTORNEY

24

25

26

27

28

29

30

31

32

Read the first time in full and on motion by Bradbury, seconded by Stier, and duly adopted, read the second time by title and referred to the Committee on Regulation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19_____, at _____ o'clock _____ M., E.S.T.

DATED: 12-22-87

S.E.K.
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Tier, and duly adopted, placed on its passage. PASSED LOST by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	9			
<u>BRADBURY</u>	✓			
<u>BURNS</u>	✓			
<u>GiaQUINTA</u>	1			
<u>HENRY</u>	1			
<u>LONG</u>	✓			
<u>REDD</u>	✓			
<u>SCHMIDT</u>	✓			
<u>STIER</u>	✓			
<u>TALARICO</u>	✓			

DATED: 1-12-88

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. _____

on the _____ day of _____, 19_____,

ATTEST

SEAL

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 19_____, at the hour of _____ o'clock _____ M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____, 19_____, at the hour of _____ o'clock _____ M., E.S.T.

PAUL HELMKE, MAYOR

RECEIPT

OK 3307
COMMUNITY DEVELOPMENT & PLANNING

No. 2747

FT. WAYNE, IND., 11/2 1987RECEIVED FROM Elaine B. Deaney \$50.00THE SUM OF Fifty 00 ¹⁰⁰ DOLLARSON ACCOUNT OF 56.09 S. Anthony 97531 MunciePay one One

AUTHORIZED SIGNATURE

RECEIPT NO. _____

DATE FILED 11-2-87

INTENDED USE Appliance Sales

THIS IS TO BE FILED IN DUPLICATE

We

Eloise B. Downey

(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an B1B District to a/an B3B District the property described as follows:

Neuenschwander Addition Lot 1

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

7439 S. Anthony Blvd. 46816

7531 Old Decatur Rd 46816

(General Description for Planning Staff Use Only)

We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

Eloise B. Downey

7439 S. Anthony

Eloise B. Downey

46816

(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____

(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

N/A

(Name)

(Address & Zip Code)

(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on December 12, 1987, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-87-12-19; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on December 21, 1987.

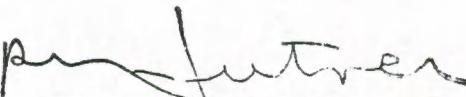
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

- (1) the grant will be injurious to the public health, safety, morals and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;
- (3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;
- (5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held December 28, 1987.

Certified and signed this
4th day of January 1988.



Robert Hutner
Secretary

ORIGINAL

ORIGINAL

DIGEST SHEET

Zoning Ordinance Amendment

TITLE OF ORDINANCE _____

Land Use Management - CD&P

DEPARTMENT REQUESTING ORDINANCE _____

7439 South Anthony Blvd and 7531 Old Decatur Road

SYNOPSIS OF ORDINANCE _____

3-87-12-19

EFFECT OF PASSAGE _____ Property is presently zoned B-1-B - Limited Business District.
Property will become B-3-B - General Business District.

EFFECT OF NON-PASSAGE _____ Property will remain B-1-B - Limited Business District.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.) _____

FACT SHEET

Z-87-12-19

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE

Zoning Ordinance Amendment
From B-1-B to B-3-B

APPROVAL DEADLINE

REASON

DETAILS

<p>Specific Location and/or Address</p> <p>7439 So Anthony Bl 7531 Old Decatur Road</p> <p>Reason for Project</p> <p>Appliance Sales</p>
<p>Discussion (Including relationship to other Council actions)</p> <p><u>21 December 1987 - Public Hearing</u></p> <p>Richard Downey, speaking on behalf of his mother, Eloise Downey stated that they presently have a rental property on the lot in question. He stated that it was occupied by RCA for many years. He stated that they recently vacated and they rented to an appliance dealer. He stated that at the time they rented the property they assumed the zoning would be adequate for his operation. He stated that the appliance dealer was informed that there would be a "cut" on certain parts of his business. He stated the renter has been issued a license to operate. He stated though that they want to avoid any future question about the ability to operate this business on this property. He stated it would also make it easier to rent or sell if it were rezoned.</p> <p>Herman Friedrich questioned if Mr. Downey had discussed the request with the Neighborhood Association.</p> <p>Mr. Downey stated he had not. He stated that he was going to talk to the property owners in the area, but most were business properties</p>

POSITIONS

<p>Sponsor</p>	City Plan Commission	
<p>Area Affected</p>	City Wide	
	Other Areas	
<p>Applicants/ Proponents</p>	<p>Applicant(s) Eloise B Downey City Department</p> <p>Other</p>	
<p>Opponents</p>	<p>Groups or Individuals</p> <p>Basis of Opposition</p>	
<p>Staff Recommendation</p>	<input type="checkbox"/> For	<input checked="" type="checkbox"/> Against
	<p>Reason Against</p>	
<p>Board or Commission Recommendation</p>	<p>By</p> <p><input type="checkbox"/> For <input checked="" type="checkbox"/> Against <input type="checkbox"/> No Action Taken</p> <p><input type="checkbox"/> For with revisions to conditions (See Details column for conditions)</p>	
<p>CITY COUNCIL ACTIONS (For Council use only)</p>	<input type="checkbox"/> Pass	<input type="checkbox"/> Other
	<input type="checkbox"/> Pass (as amended)	<input type="checkbox"/> Hold
	<input type="checkbox"/> Council Sub.	<input type="checkbox"/> Do not pass

DETAILS

being leased and the owners were not on site.

John Shoaff asked for the nature of the business that is presently on the property. Mr. Shoaff stated that B-1-B does allow for the sale of new retail.

Mr. Downey stated the renter sells both new & used appliances and does some repair work. He stated he gathered the thrust of his business at his previous location was used appliances and that was the problem with the B-1-B zoning, it does not allow used sales as the main purpose of the business, it must be new retail.

Yvonne Stam questioned what the previous use was.

Mr. Downey stated it was RCA factory service, which was the sole outlet for RCA service of its product. He stated they did not sell parts or appliances they strictly repaired and serviced RCA appliances.

Yvonne Stam questioned how long they had been at that location.

Mr. Downey stated approximately 20 years.

There was no one present who wished to speak in favor of or in opposition to the proposed rezoning.

28 December 1987 - Business Meeting

Motion was made and seconded to return

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

the ordinance to the Common Council with a DO NOT PASS recommendation.

Of the eight members present seven (7) voted in favor of the motion one (1) did not vote.

Motion carried.

Project Start

Date November 2, 1987

Projected Completion or Occupancy

Date January 4, 1988

Fact Sheet Prepared by

Patricia Biancaniello

Date January 4, 1988

Reviewed by

Sally Bader

Date

1 January 1988

Reference or Case Number

BILL NO. Z-87-12-19

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) XXXXXX (RESOLUTION) amending the City of
Fort Wayne Zoning Map No. R-14

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (RESOLUTION) Do Not Pass

YES

NO

Janet G. Bradbury JANET G. BRADBURY

Chairperson
Mark E. Giaquinta

Charles B. Redd

Charles B. Redd

David C. Long

Paul M. Burns

CONCURRED IN 1-12-88

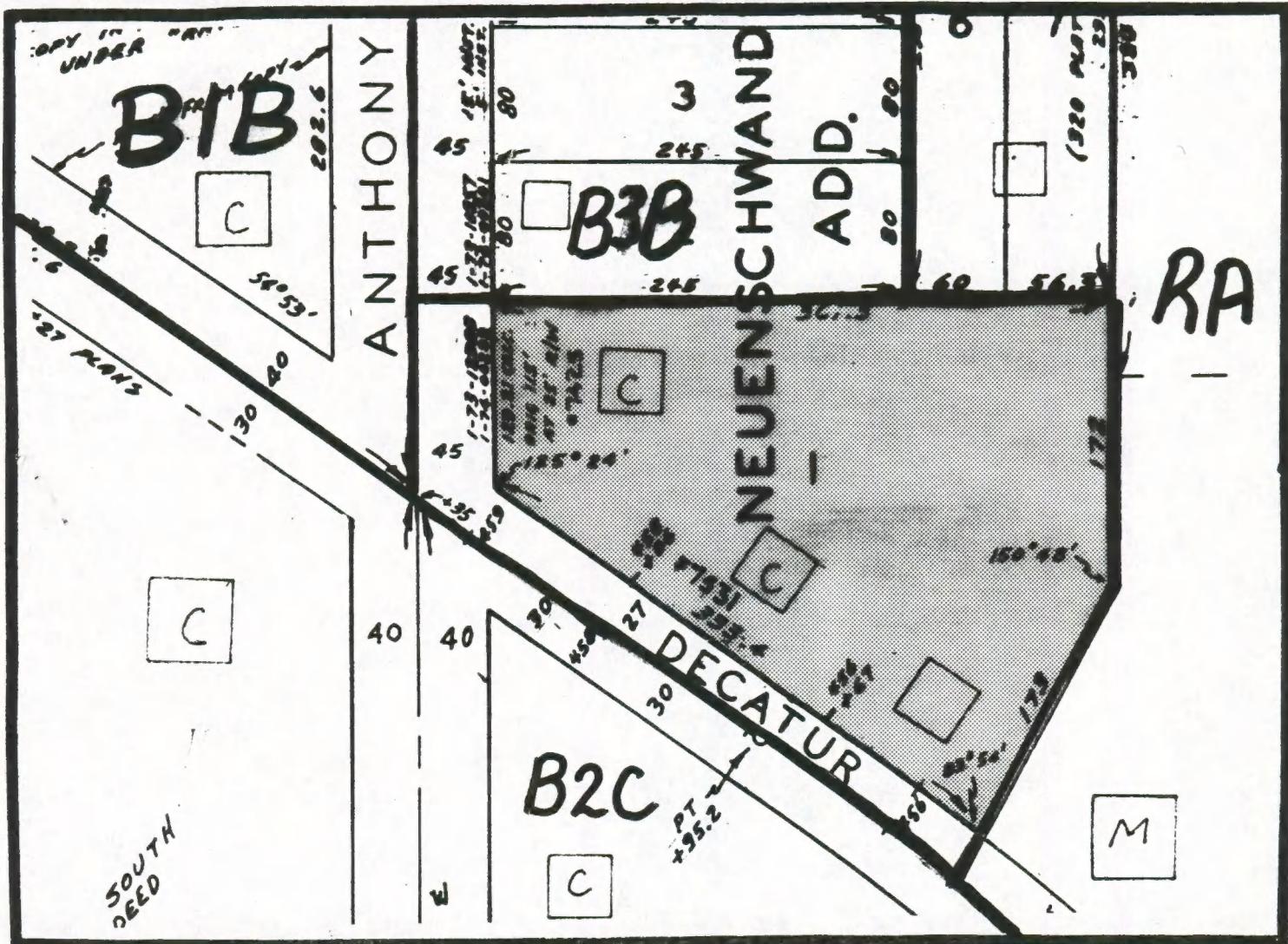
Sandra E. Kennedy
Sandra E. Kennedy
City Clerk

REZONING PETITION #37

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING
THE DESCRIBED PROPERTY FROM A B1B DISTRICT TO A B3B DISTRICT

MAP NO. P-31

COUNCILMANIC DISTRICT NO. 6



ZONING:

B1B LIMITED BUSINESS 'B'
B2C METROPOLITAN SHOPPING CENTER
RA RESIDENCE 'A'

LAND USE:

- SINGLE FAMILY
- MULTI-FAMILY
- COMMERCIAL

SCALE: 1"=100'

DATE: 12/1/87

